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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,323	01/24/2001	David Meiri	07072-127001	3938
26161	7590	06/18/2007	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			BURGESS, BARBARA N	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	09/768,323	MEIRI, DAVID
	Examiner	Art Unit
	Barbara N. Burgess	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 March 2007.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-9 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to amendment filed March 23, 2007. Claims 1-9 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mondrosch et al. (hereinafter "Mond", US Patent 5,379,031) in view of Tugenberg et al. (hereinafter "Tug", US Patent 5,335,281).

As per claim 1, Mond discloses a method for posting a message on a message list accessible to a plurality of processors, said method comprising:

- Selecting a new-message slot (column 5, lines 24-26, 31-38);
- Placing said message in said new-message slot (column 5, lines 33-34, 61-64).

Mond does not explicitly disclose:

- Modifying said new-message slot to specify an intended recipient of said message, said intended recipient being selected from said plurality of processors.

However, in an analogous art, Tug discloses a received message having first, second, third, fourth, and fifth fields containing identification information. This information is used by other processors to determine whether a particular processor should accept or discard the message (column 4, lines 15-20, 34-46).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Tug's modifying said new-message slot to specify an intended recipient in Mond's method in order for receiving stations to decide whether to accept or discard a received message.

As per claim 2, Mond discloses the method of claim 1 further comprising inserting said new-message slot into said message list, said message list including a first existing-message slot having a pointer to a second existing-message slot (column 4, lines 20-24, 46-50).

As per claim 3, Mond further discloses the method of claim 2 wherein inserting said new-message slot into said message list comprises setting a first pointer on said new-message slot to point to said first existing-message slot and a second pointer on said new-message slot to point to said second existing message-slot (column 5, lines 40-49).

As per claim 4, Mond discloses the method of claim 3 wherein inserting said new-message slot into said message list further comprises setting said pointer

associated with said first existing-message slot to point to said new-message slot
(column 6, lines 60-67)

As per claim 5, Mond does not explicitly disclose the method of claim 1 wherein modifying said new-message slot to specify an intended recipient comprises modifying a destination mask associated with said new-message slot, said destination mask including information specifying all intended recipients of said message. However, in an analogous art, Tug discloses a received message having first, second, third, fourth, and fifth fields containing identification information. This information is used by other processors to determine whether a particular processor should accept or discard the message (column 4, lines 15-20, 34-46).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Tug's modifying said new-message slot to specify an intended recipient in Mond's method in order for receiving stations to decide whether to accept or discard a received message.

As per claim 6, Mond does not explicitly disclose the method of claim 5 wherein modifying said destination mask comprises

- Selecting, from a plurality of constituent data-elements of said destination mask, each of said constituent data-elements corresponding to one of said processors from said plurality of processors, a selected data-element corresponding to a selected processor;

- Modifying said selected data-element to indicate that said selected processor is an intended recipient.

However, in an analogous art, Tug discloses a received message having first, second, third, fourth, and fifth fields containing identification information. This information is used by other processors to determine whether a particular processor should accept or discard the message (column 4, lines 15-20, 34-46).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Tug's modifying said new-message slot to specify an intended recipient in Mond's method in order for receiving stations to decide whether to accept or discard a received message.

As per claim 7, Mond discloses the method of claim 1 further comprising updating a message directory to indicate the presence of said new-message slot in said message list, said message directory being accessible to said plurality of processors (column 6, lines 49-55).

As per claim 8, Mond does not explicitly disclose the method of claim 7 wherein updating said message directory comprises updating an attention mask containing information indicative of which processors from said plurality of processors are intended recipients of messages contained in said message list.

However, in an analogous art, Tug discloses a received message having first, second, third, fourth, and fifth fields containing identification information. This information is

used by other processors to determine whether a particular processor should accept or discard the message (column 4, lines 15-20, 34-46).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Tug's modifying said new-message slot to specify an intended recipient in Mond's method in order for receiving stations to decide whether to accept or discard a received message.

As per claim 9, Mond discloses the method of claim 7 wherein updating said attention mask comprises:

- Selecting from a plurality of constituent data-elements of said attention mask, each of said constituent data-elements corresponding to one of said processors from said plurality of processors, a selected data-element corresponding to a selected processor (column 4, lines 25-30).

Mond does not explicitly disclose:

- Modifying said selected data-element to indicate existence of a new message for which said selected processor is an intended recipient (column 4, lines 28-33).

However, in an analogous art, Tug discloses a received message having first, second, third, fourth, and fifth fields containing identification information. This information is used by other processors to determine whether a particular processor should accept or discard the message (column 4, lines 15-20, 34-46).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Tug's modifying said new-

Art Unit: 2157

message slot to specify an intended recipient in Mond's method in order for receiving stations to decide whether to accept or discard a received message.

Response to Arguments

The Office notes the following arguments:

- (a) There is no motivation to combine Mondrosch and Tugenberg.
- (b) Tungenberg does not teach "modifying said new-message slot to specify an intended recipient."
- (c) The preamble recites a method for posting a message on a "message list accessible to a plurality of processors." Mondrosch cannot be accessed by a plurality of processors.

3. Applicant's arguments filed have been fully considered but they are not persuasive.

In response to:

- (a) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one of ordinary skill in the art at the time the invention was made would have found it obvious to

implement or incorporate Tug's modifying said new-message slot to specify an intended recipient in Mond's method in order for receiving stations to decide whether to accept or discard a received message.

(b) Tungenberg discloses a plurality of fields in the message header. Particularly, the third field containing the count is used by the receiving stations to decide whether or not the received information is for them or should be discarded. Therefore, the message, indeed, specifies the intended recipient (column 4, lines 15-20, 34-46).

(c) In response to applicant's arguments, the recitation "accessible to a plurality of processors" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure; and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess
Examiner
Art Unit 2157

June 10, 2007



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JUN 10 2007
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